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IDAHO LEGISLATURE

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FIFTY-NINTH LEGISLATURE

THIRTY-EIGHTH LEGISLATIVE DAY
WEDNESDAY, FEBRUARY 13, 2008

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senators Lodge and McKenzie, absent and formally excused by the Chair; and Senators Burkett, Pearce, Stegner, and Stennett, absent and excused.

Prayer was offered by Chaplain Goebel.

The Pledge of Allegiance was led by Kaitlyn Roberts, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 12, 2008, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Little, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senators Pearce and Stennett were recorded present at this order of business.

February 12, 2008

The JUDICIARY AND RULES Committee reports that Enrolled **SJM 108** was delivered to the Office of the Secretary of State at 3 p.m., February 12, 2008.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

February 12, 2008

The JUDICIARY AND RULES Committee reports that **S 1318**, as amended, **S 1339**, as amended, **S 1321**, as amended, **S 1324**, as amended, and **S 1256**, as amended, have been correctly engrossed.

DARRINGTON, Chairman

S 1318, as amended, **S 1339**, as amended, **S 1321**, as amended, **S 1324**, as amended, and **S 1256**, as amended, were filed for first reading.

February 12, 2008

The JUDICIARY AND RULES Committee reports that Senate amendments to **S 1318**, **S 1339**, **S 1321**, **S 1324**, and **S 1256** have been correctly printed.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

February 12, 2008

The HEALTH AND WELFARE Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Travis Beck to the Idaho Commission for the Blind and Visually Impaired, term to expire July 1, 2010.

LODGE, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 12, 2008

The COMMERCE AND HUMAN RESOURCES Committee reports out **S 1380**, **S 1394**, and **S 1395** with the recommendation that they do pass and with the recommendation that they be placed on the Consent Calendar.

ANDREASON, Chairman

S 1380, **S 1394**, and **S 1395** were filed for second reading.

February 12, 2008

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 387** and **H 360** with the recommendation that they do pass.

HILL, Chairman

H 387 and **H 360** were filed for second reading.

February 12, 2008

The COMMERCE AND HUMAN RESOURCES Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Jody Olson to the Board of the Public Employee Retirement System of Idaho, term to expire July 1, 2012.

ANDREASON, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

February 12, 2008

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Norman "Bud" T. Langerak of Ammon, Idaho, was appointed as a member of the Idaho Commission on Pardons and Parole to serve a term commencing February 5, 2008, and expiring January 1, 2011.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C. L. 'Butch' Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Judiciary and Rules Committee.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

On request by Senator Kelly, granted by unanimous consent, **SCR 128** was referred to the Resources and Environment Committee.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1318, as amended, and **S 1339**, as amended, by Judiciary and Rules Committee, were read the first time at length and filed for second reading.

S 1321, as amended, by State Affairs Committee, was read the first time at length and filed for second reading.

S 1324, as amended, by Judiciary and Rules Committee, was read the first time at length and filed for second reading.

S 1256, as amended, by Commerce and Human Resources Committee, was read the first time at length and filed for second reading.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

Senators Burkett and Stegner were recorded present at this order of business.

S 1373 and **S 1374**, by Resources and Environment Committee, were read the second time at length and filed for third reading.

S 1369, **S 1350**, **S 1370**, and **S 1371**, by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

H 390, by Health and Welfare Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

President Risch assumed the Chair.

On request by Senator Davis, granted by unanimous consent, **S 1369** retained its place on the Third Reading Calendar for February 19, 2008.

S 1257 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, McGee, McKague, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 33.

NAYS--None.

Absent and excused--Lodge, McKenzie. Total - 2.

Total - 35.

Whereupon the President declared **S 1257** passed, title was approved, and the bill ordered transmitted to the House.

H 430 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, McGee, McKague, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 33.

NAYS--None.

Absent and excused--Lodge, McKenzie. Total - 2.

Total - 35.

Whereupon the President declared **H 430** passed, title was approved, and the bill ordered returned to the House.

S 1355 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, McGee, McKague, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 33.

NAYS--None.

Absent and excused--Lodge, McKenzie. Total - 2.

Total - 35.

Whereupon the President declared **S 1355** passed, title was approved, and the bill ordered transmitted to the House.

S 1356 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, McGee, McKague, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 33.

NAYS--None.

Absent and excused--Lodge, McKenzie. Total - 2.

Total - 35.

Whereupon the President declared **S 1356** passed, title was approved, and the bill ordered transmitted to the House.

S 1372 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, McGee, McKague, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 33.

NAYS--None.

Absent and excused--Lodge, McKenzie. Total - 2.

Total - 35.

Whereupon the President declared **S 1372** passed, title was approved, and the bill ordered transmitted to the House.

S 1363 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, McGee, McKague, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 33.

NAYS--None.

Absent and excused--Lodge, McKenzie. Total - 2.

Total - 35.

Whereupon the President declared **S 1363** passed, title was approved, and the bill ordered transmitted to the House.

Senator Lodge was recorded present at this order of business.

H 359 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stegner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Kelly, Keough, Langhorst, Little, Lodge, McGee, Schroeder, Siddoway, Stegner, Werk. Total - 26.

NAYS--Bilyeu, Fulcher, Jorgenson, McKague, Pearce, Richardson, Sagness (Malepeai), Stennett. Total - 8.

Absent and excused--McKenzie. Total - 1.

Total - 35.

Whereupon the President declared **H 359** passed, title was approved, and the bill ordered returned to the House.

S 1377 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--McKenzie. Total - 1.

Total - 35.

Whereupon the President declared **S 1377** passed, title was approved, and the bill ordered transmitted to the House.

S 1382 was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Jorgenson and McGee arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bastian, Broadsword, Burkett, Cameron, Coiner, Goedde, Hammond, Heinrich, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, Sagness (Malepeai), Stegner, Stennett, Werk. Total - 21.

NAYS--Bair, Bilyeu, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Hill, Pearce, Richardson, Schroeder, Siddoway. Total - 13.

Absent and excused--McKenzie. Total - 1.

Total - 35.

Whereupon the President declared **S 1382** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 11:52 a.m. until the hour of 10:30 a.m., Thursday, February 14, 2008.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary